

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALLEN DALE VERGARA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C20-5955-MLP

ORDER TO SHOW CAUSE

On September 30, 2020, this Court granted Plaintiff's application to proceed *in forma pauperis*. (Dkt. # 3.) On that same day, Plaintiff's complaint was filed, and a summons was issued to Defendant on October 1, 2020. (Dkt. ## 4-5.) On March 5, 2021, Plaintiff filed a proof of service documenting that Defendant was served on December 10, 2020. (Dkt. # 6.) However, to date, neither party has filed a brief, an extension request, or any form of update on this case with the Court.

It is within the inherent power and discretion of the court to dismiss a civil case for lack of prosecution. Fed. R. Civ. P. 41(b); *see McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991) (failure to prosecute must be unreasonable in order to support dismissal). The Court weighs five factors to determine if involuntary dismissal for lack of prosecution is proper. *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002) (citation omitted). Specifically, the Court considers:

1 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its
2 docket; (3) the risk of prejudice to the defendant; (4) the public policy favoring disposition of
3 cases on their merits; and (5) the availability of less drastic alternatives. *Id.* Dismissal is proper
4 where at least four factors support dismissal or where at least three factors "strongly" support
5 dismissal. *Beck v. Pike*, 2017 WL 530354, at *5 (W.D. Wash. Feb. 9, 2017) (quoting *Hernandez*
6 *v. City of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998)).

7 Accordingly, Plaintiff is ORDERED to show cause by **June 21, 2021**, why the Court
8 should not dismiss the complaint in this matter for failure to prosecute. Absent a timely response
9 to this Order, this action will be dismissed without prejudice.

10
11 Dated this 14th day of June, 2021.

12
13 

14 MICHELLE L. PETERSON
15 United States Magistrate Judge
16
17
18
19
20
21
22
23